

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to special registration plates and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 401, “Special Registration Plates,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.34 and 321.166.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.34 as amended by 2019 Iowa Acts, Senate File 638, section 35.

Purpose and Summary

The proposed amendments conform Chapter 401 to 2019 Iowa Acts, Senate File 638, section 35, which amends Iowa Code section 321.34 to provide for the creation of new blackout license plates. In accordance with Senate File 638, the Department began taking orders for the new blackout license plates on July 1, 2019. The proposed amendments also make technical changes throughout the chapter to update the Vehicle and Motor Carrier Services Bureau’s name and to accommodate electronic submission of license plate applications, which further streamlines the application process.

Fiscal Impact

This rule making has no fiscal impact beyond that imposed by its authorizing legislation. 2019 Iowa Acts, Senate File 638, section 35, establishes the fees for the new blackout plates. The fee for initial issuance of one set of standard (nonpersonalized) blackout plates is \$35, and the fee for annual renewal of the plates is \$10. Section 35 allows any blackout plates issued to be personalized and retains the usual fees for personalized plates established in Iowa Code section 321.34(5), which are an additional \$25 for initial issuance of the plates and \$5 for annual renewal of the plates. The authorizing legislation and the rules adopted pursuant to the legislation will have a positive fiscal impact on Iowa’s Road Use Tax Fund, since Senate File 638, section 35, requires that all fees authorized for the blackout plates be deposited in the Road Use Tax Fund. Although it is difficult to predict the long-term ordering and adoption rates, the plates appear to be popular. Between July 1, 2019, and August 31, 2019, the Department issued 10,682 blackout plates, and approximately 54 percent of the plates issued were personalized. Based on those numbers and for that time frame, approximately \$517,000 in additional revenue was collected that will inure to the benefit of the Road Use Tax Fund. This positive impact will grow as additional orders are received in the future.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on November 26, 2019. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy Bureau
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

A public hearing to hear requested oral presentations will be held as follows:

December 3, 2019
10 a.m.

Department of Transportation
Motor Vehicle Division
6310 SE Convenience Boulevard
Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **401.2(1)“b”** as follows:

b. ~~Collegiate~~ Application for blackout plates, collegiate plates, personalized plates, and special registration plates that have eligibility requirements must be requested using an application form submitted to the department in a manner prescribed by the department. Unless otherwise specified, completed application forms applications for these plates shall be submitted to the department at the following address: Office of Vehicle and Motor Carrier Services Bureau, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. Application forms Applications may be obtained from the office of vehicle and motor carrier services bureau or from any county treasurer's office. Application forms Applications are also available on the department's website at www.iowadot.gov.

ITEM 2. Amend rule 761—401.4(321) as follows:

761—401.4(321) Gift certificates. Gift certificates for blackout plates, collegiate plates, personalized plates, and special registration plates that have eligibility requirements may be purchased using the

prescribed plate application ~~form~~. Gift certificates for special registration plates that counties have in their inventories may be purchased from county treasurers' offices.

ITEM 3. Amend rule 761—401.5(321) as follows:

761—401.5(321) Amateur radio call letter plates. Application for amateur radio call letter plates shall be made to the county treasurer ~~on a form~~ in a manner prescribed by the department. The number of the amateur radio license issued by the Federal Communications Commission shall be listed on the application.

ITEM 4. Amend subrule 401.6(1) as follows:

401.6(1) Application. Application for personalized plates shall be submitted to the department ~~on a form~~ in a manner prescribed by the department.

ITEM 5. Amend subrule 401.7(1) as follows:

401.7(1) Application. Application for collegiate plates shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant may request letter-number designated collegiate plates or personalized collegiate plates. Collegiate plates for motorcycles, autocycles and small trailers are not available.

ITEM 6. Amend subrule 401.8(1) as follows:

401.8(1) Application for Medal of Honor plates shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant shall attach a copy of the official government document verifying receipt of the medal of honor.

ITEM 7. Amend subrule 401.10(1) as follows:

401.10(1) Application for emergency medical services (EMS) plates shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant and the applicant's service director shall sign the application ~~form~~ certifying that the applicant is a current member of a paid or volunteer emergency medical services agency. For purposes of this subrule, "service director" means a service director as defined in Iowa department of public health rule 641—132.1(147A).

ITEM 8. Adopt the following new rule 761—401.12(321):

761—401.12(321) Blackout plates.

401.12(1) Application. Application for blackout plates shall be submitted to the department in a manner prescribed by the department. The applicant may request letter-number designated blackout plates or personalized blackout plates. Blackout plates are available for autocycles, motor trucks, motor homes, multipurpose vehicles, motorcycles, trailers and travel trailers.

401.12(2) Characters. Personalized blackout plates shall be issued in accordance with subrule 401.6(2).

ITEM 9. Amend subrule 401.15(3) as follows:

401.15(3) The ~~office of~~ vehicle and motor carrier services bureau may consult with other organizations, law enforcement authorities, and the general public concerning the decal design.

ITEM 10. Amend subrule 401.15(4) as follows:

401.15(4) Within 60 days after receiving the application, the ~~office of~~ vehicle and motor carrier services bureau shall advise the organization of the department's approval or denial of the application. The department reserves the right to approve or disapprove any decal design.

ITEM 11. Amend paragraph **401.18(1)"d"** as follows:

d. The ~~office of~~ vehicle and motor carrier services bureau may consult with other organizations, law enforcement authorities, and the general public concerning distinguishing processed emblems.

ITEM 12. Amend subrule 401.18(4) as follows:

401.18(4) Application process.

a. Applications for either letter-number designated or personalized combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge

special registration plates shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant shall attach to the application a copy of an official government document verifying award of the combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal or combat medical badge to the applicant.

b. No change.

c. Applications for personalized civil war sesquicentennial or fallen peace officers special registration plates shall be submitted to the department ~~on a form~~ in a manner prescribed by the department.

ITEM 13. Amend rule 761—401.19(321) as follows:

761—401.19(321) Legion of Merit plates. Application for special plates with a Legion of Merit processed emblem shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant shall attach a copy of the official government document verifying receipt of the Legion of Merit. Personalized plates with a Legion of Merit processed emblem are not available. Pursuant to Iowa Code section 321.34, an applicant is eligible for one set of Legion of Merit plates at a reduced annual registration fee of \$15 for one vehicle owned. However, an applicant may obtain additional Legion of Merit plates upon payment of the regular annual registration fee.

ITEM 14. Amend subrule 401.20(1), introductory paragraph, as follows:

401.20(1) Application. Application for special plates with a persons with disabilities processed emblem shall be submitted to the county treasurer ~~on a form~~ in a manner prescribed by the department.

ITEM 15. Amend subrule 401.21(1) as follows:

401.21(1) Application for special plates with an ex-prisoner of war processed emblem shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant shall attach a copy of an official government document verifying that the applicant was a prisoner of war. If the document is not available, a person who has knowledge that the applicant was a prisoner of war shall sign a statement to that effect on the application ~~form~~.

ITEM 16. Amend rule 761—401.22(321) as follows:

761—401.22(321) National guard plates. Application for special plates with a national guard processed emblem shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The unit commander of the applicant shall sign the application ~~form~~ confirming that the applicant is a member of the Iowa national guard.

ITEM 17. Amend rule 761—401.23(321) as follows:

761—401.23(321) Pearl Harbor plates. Application for special plates with a Pearl Harbor processed emblem shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. The applicant shall attach a copy of an official government document verifying that the applicant was stationed at Pearl Harbor, Hawaii, as a member of the armed forces on December 7, 1941.

ITEM 18. Amend rule 761—401.24(321), introductory paragraph, as follows:

761—401.24(321) Purple Heart, Silver Star and Bronze Star plates. Application for special plates with a Purple Heart, Silver Star, or Bronze Star processed emblem shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. To verify receipt of the medal, the applicant shall attach a copy of one of the following:

ITEM 19. Amend rule 761—401.25(321), introductory paragraph, as follows:

761—401.25(321) U.S. armed forces retired plates. Application for special plates with a United States armed forces retired processed emblem shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. A person is considered to be retired if the person is recognized by the

United States armed forces as retired from the United States armed forces. To verify retirement from the United States armed forces, the applicant shall attach a copy of one of the following:

ITEM 20. Amend **761**—**Chapter 401**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 35A.11, 321.34 as amended by 2019 Iowa Acts, Senate File 638, section 35, 321.105, 321.166 and 321L.1 and chapter 17A.